

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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New York State Professional Process Servers Association, Inc.
on behalf of itself and aggrieved former and current members,
and Howard D. Clarke, and Stephen J. Boyko, Inc. d/b/a
Consolidated Claims Service, Individually, and as
Representatives for all similarly situated Process Server
Individuals and Process Serving Agencies as defined by the New
York City Administrative Code, Title 20, Chapter: 2, § 20-404,

14 CV 1266 (DLC) (MHD)

Plaintiffs,

Against

City of New York, and Michael T. Bloomberg, Bill de Blasio,
Jonathan E. Mintz, Alba Pico, Marla Tepper, Esq., Sandford
Cohen, Esq., Nancy Schindler, Esq., Bruce Dennis, Esq., James
M. Plotkin, Esq., Nicholas J. Minella, Esq., Alvin Liu, Esq.,
Shannon Bermingham, Jordan Cohen, Esq., Philip Kimball, Esq.,
Lori Barrett, Esq., Megan Roberts, Esq., Wanda Day, Esq., Fred
R. Cantor, Esq., Allison Rene Johnson, Esq., Margarita Marsico,
Esq., David Cho, K. James, Wilfredo Lopez, Esq., Eunice
Rivera, Galina Pikulina, P. Kumar, Michele Mirro, Esq., Mitchell
B. Nisonoff, Esq., Lee Fawkes, Esq., Steven T. Kelly, Esq.,
Nancy Tumelty, Esq., Susan Kassapian, Esq., Maurice Nwikpo-
Oppong, Esq., Eryn A. DeFontes, Esq., Richard Zeitler, Jr., Esq.,
David Scott Paul, Esq., Shanet Viruet, Esq., and Judith Gould,
Esq., all Individually and in their capacities as officials and
employees of the City of New York,

Defendants.

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**GEORGES DECLARATION IN SUPPORT OF CITY DEFENDANTS' MOTION TO
DISMISS**

JASMINE M. GEORGES declares under the penalty of perjury, pursuant to 28

U.S.C. §1746, as follows:

1. I am an Assistant Corporation Counsel in the office of ZACHARY W. CARTER, Corporation Counsel of the City of New York, attorney for the City defendants¹ in the above-referenced matter.

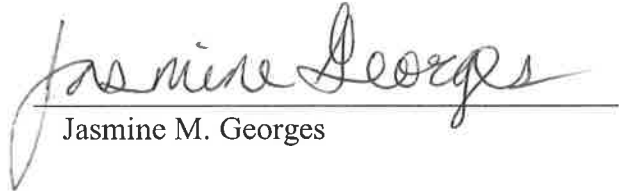
2. The following documents, which are referenced in the City defendants' Memorandum of Law, are provided herewith:

- A copy of the New York City Council Committee on Consumer Affairs' Committee Report of the Governmental Affairs Division, dated March 2, 2010, is provided as Exhibit A;
- A copy of Local Law 7 of 2010 is provided as Exhibit B;
- A copy of the process server rules as stated in the Notice of Adoption published in the City Record on February 18, 2011, effective March 21, 2011, is provided as part of Exhibit C;
- A copy of the process server rules as stated in the Notice of Adoption published in the City Record on August 1, 2011, effective September 2011, is provided as part of Exhibit C;
- A copy of the process server rules as stated in the Notice of Adoption published in the City Record on August 11, 2011, effective September 2011, is provided as Exhibit C;
- A copy of the March 19, 2013 Administrative Law Judge ("ALJ") recommended Decision and Order regarding plaintiff Howard Clarke is provided as Exhibit D;
- A copy of the September 10, 2013 Appeal Order regarding plaintiff Howard Clarke is provided as Exhibit E;

¹ This office represents the defendant City of New York ("City") and all of the individually named defendants except defendants Michele Mirro and Susan Kassapian. In addition, this office has not been able to confirm whether it will be representing Enrique Rivera (named in the caption as "Eunice Rivera"); however, for the same reasons that this motion to dismiss should be granted in favor of the City of New York, it likewise should be granted as to this defendant.

- A copy of the April 27, 2012 Consent Order regarding plaintiff Stephen J. Boyko, Inc. (“Boyko”) is provided as Exhibit F;
- A copy of Local Law 35 of 2013 is provided as part of Exhibit G;
- A copy of pages 1-7 of the New York City Council’s Committee Report of the Human Services Division, dated December 19, 2013, is provided as part of Exhibit G. Page 2 of the December 19, 2013 Committee Report indicates that the Mayor’s Office of Operations’ report entitled “Cure Period Review” was prepared pursuant to Local Law 35 of 2013;
- A copy of the “Cure Period Review” report, dated September 23, 2013, is provided as part of Exhibit G. Although the word “draft” appears on this report, I have been informed that this document is the final version submitted to the New York City Council.
- A copy of the decision in the matter of Winckelman v. City of New York, Index No. 1913/13 (Nassau Co. 2013), transferring the proceeding from Nassau County to New York County, is provided as Exhibit H. I am informed that the proceeding has not been placed on a calendar in New York County.
- Copies of the Affidavit of Service of the summons and complaint on “Eunice Rivera,” dated March 11, 2014 [Document # 45], and the Affirmation of Service of the summons and amended complaint on “Eunice Rivera,” dated May 19, 2014 [Document # 88], are provided as Exhibit I.

Dated: New York, New York
June 6, 2014


Jasmine M. Georges